

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA, ) 3:14-cr-00018-HDM-VPC  
12 Plaintiff, )  
13 ) ORDER  
vs. )  
14 JAMES E. BRYANT, )  
15 Defendant. )  
16 \_\_\_\_\_)

17 Before the court is defendant James E. Bryant's petition for  
18 relief under 28 U.S.C. § 2255 filed on September 21, 2015 (#83).

19 On March 12, 2014, an indictment was issued charging defendant  
20 with failure to register as a sex offender, in violation of 18 U.S.C.  
21 § 2250(a) (#1). Defendant pled guilty to the offense pursuant to a  
22 plea agreement with the government. ##22, 23. On February 25, 2015,  
23 defendant was sentenced to be imprisoned for a total term of twenty-  
24 one months with credit for time served. ##41, 42.

25 On March 11, 2015, the defendant filed a petition for relief  
26 under 28 U.S.C. § 2255 (#43). Following a response from the  
27 government and a reply from defendant, the court denied defendant's  
28 motion on June 9, 2015 (#60). Defendant appealed the court's order,

1 and on September 25, 2015, the Ninth Circuit denied defendant a  
2 certificate of appealability (#85).

3 Pursuant to 28 U.S.C. § 2255, a federal inmate may move to vacate,  
4 set aside, or correct his sentence if: (1) the sentence was imposed  
5 in violation of the Constitution or laws of the United States; (2) the  
6 court was without jurisdiction to impose the sentence; (3) the  
7 sentence was in excess of the maximum authorized by law; or (4) the  
8 sentence is otherwise subject to collateral attack. 28 U.S.C.  
9 § 2255(a). Where the defendant has previously filed a § 2255  
10 petition, a second or successive § 2255 petition cannot be considered  
11 by the district court absent a certificate from the Court of Appeals  
12 authorizing it to do so. 28 U.S.C. § 2255(h); 28 U.S.C. § 2244;  
13 *United States v. Washington*, 653 F.3d 1057, 1065 (9th Cir. 2011).

14 As defendant has previously filed a § 2255, the instant motion  
15 is a second or successive petition. Accordingly, as the Ninth Circuit  
16 has not authorized the filing of a second or successive § 2255  
17 petition in this case, the court is without jurisdiction to consider  
18 it and the motion (#83) is therefore **DENIED**.

19 IT IS SO ORDERED.

20 DATED: This 15th day of October, 2015.

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22 UNITED STATES DISTRICT JUDGE  
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